

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ANADARKO PETROLEUM
CORPORATION SECURITIES
LITIGATION

§ Civil Action No. 4:20-cv-00576
§
§ CLASS ACTION
§
The Honorable Charles R. Eskridge III

JOINT MOTION REGARDING BRIEFING SCHEDULE

The Parties¹ hereby jointly move for the Court's approval to revise the Amended Scheduling and Docket Control Order issued on February 16, 2023 (ECF 150) ("Scheduling Order") as to the remaining briefing schedule on Defendants' motion for summary judgment and the Parties' motions to exclude certain expert testimony. In support thereof, the Parties state the following:

WHEREAS, the Scheduling Order ordered that all motions, except motions *in limine*, be filed by March 16, 2023, with oppositions due by April 20, 2023, and replies due by May 11, 2023 (ECF 150 at 1);

WHEREAS, on March 16, 2023, Defendants filed a motion for summary judgment and three associated motions to exclude certain testimony of Plaintiffs' experts (ECF 162-166), and Plaintiffs filed five motions to exclude certain testimony of Defendants' experts (ECF 156-158, 160-161) (the "Motions");

WHEREAS, on March 31, 2023, the Court granted Plaintiffs' motion to compel documents relating to the Anadarko Audit Committee's ("AAC") investigation of Senior Reservoir Engineer Lea Frye's allegations regarding the Shenandoah oil field project and ordered the Parties to meet and confer with respect to the scope of the document production (ECF 173) ("MTC Order");

¹ The Parties refer to Class Representatives Norfolk County Council as Administering Authority of the Norfolk Pension Fund and Iron Workers Local #580 Joint Funds, on behalf of themselves and the Class (collectively, "Plaintiffs"), and defendants Anadarko Petroleum Corporation, R.A. Walker, Robert G. Gwin, Robert P. Daniels, and Ernest A. Leyendecker, III (collectively, "Defendants").

WHEREAS, following the issuance of the MTC Order, the Parties met and conferred about the Court's MTC Order as well as the remainder of the briefing on the Motions in light of the Court's MTC Order;

WHEREAS, Plaintiffs believe that the documents related to the AAC investigation: (1) are directly relevant to the claims at issue and arguments raised in Defendants' motion for summary judgment; and (2) may require supplementation of Plaintiffs' expert reports;

WHEREAS, the Parties were unable to reach agreement on scheduling, resulting in the filing of a Scheduling Dispute Letter by Plaintiffs on April 6, 2023 (ECF 179);

WHEREAS, the Parties having conferred and reached agreement on a briefing schedule for the Motions, Plaintiffs hereby withdraw as moot their letter filed on April 6, 2023, seeking the Court's assistance (ECF 179);

WHEREAS, Plaintiffs believe that good cause exists to extend the briefing schedule on the Motions in order to: (i) ensure that the Parties' submissions appropriately incorporate any materials produced pursuant to the MTC Order, and the Court is able to decide the Motions on a complete record, thus avoiding any prejudice to Plaintiffs; and (ii) avoid seriatim briefing, which would waste Party resources and unnecessarily burden the Court with review of additional briefs; and

WHEREAS, Defendants are considering appellate options regarding the MTC Order, but given the order as it stands do not contest Plaintiffs' request for an extension.

NOW, THEREFORE, subject to this Court's approval, the Parties agree that the briefing schedule on the Motions should be modified as follows:

1. Plaintiffs' opposition to Defendants' motion for summary judgment shall be filed no later than 21 days after: (1) all documents encompassed by the Court's March 31, 2023 MTC Order are produced to Plaintiffs; or (2) a final, non-appealable order is entered confirming that Defendants do not have to produce the documents encompassed by the Court's March 31, 2023 MTC Order;

2. Defendants' reply in support of summary judgment shall be filed no later than 21 days after Plaintiffs file their opposition to summary judgment; and

3. Briefing on the parties' motions to exclude certain expert testimony is stayed. Within 10 days of either of the events specified in Paragraph 1 above, the Parties shall submit a proposed briefing schedule for any outstanding motions to exclude expert testimony to the Court.

DATED: April 7, 2023

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